

J. Howland

# National Anti-Slavery Standard.

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THE CASE OF GOV. EYRE.

This number gives an abstract of "the masterly and eloquent speech delivered by the Chief Justice in regard to the case of Gov. Eyre, which will be the following extract from the Chief Justice's defense of the trial of Mr. Gordon, now at the trial of Mr. Eyre, tried before the grand jury.

The first no civilian not taken in arms during government can be tried before than ordinary civil and criminal tribunals to all his countrymen are subject. That is a point decided by the Chief-Judge; nor may to exaggerate either the importance of its relation to the future, or the significance of its influence upon the trial of Mr. Gordon.

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But, as it appears, it decides more than this. Even admitting that Mr. Eyre's eyes were not unmercifully blinded by the appearance of power before him under the Colonial Act, the Chief-Judge could lay it down that the seizure of Mr. Gordon in a district expressly exempted from martial law in order to convey him into a district placed under martial law, and with the avowed purpose of denying him a trial by a competent judge—but he did not do so. Had Mr. Eyre, instead of Col. Nelson and Lieut. Brand, who were neither of them of course liable of the guilt of this part of the procedure before the Grand Jury, it is almost impossible that, with the Chief-Judge's words, he would have ignored them before them, they could have ignored the "whole proceeding," said the Chief-Judge, "of taking him from where he was safe, putting him on a war steamer, and handing him over to a court-martial at Mozart Bay, was unjustifiable. To Mr. Gordon it made the difference of life and death. He (the Chief-Judge) said so ad absurdum, and after a careful perusal of the evidence as made irreconcileable to this conclusion, that if Mr. Gordon had been tried before any ordinary trial, passed over by a competent judge—but he stopped himself—he could have been tried on evidence, for three months, he had almost said months, of no evidence, in which that man was convicted, sentenced to death, and executed, not evidence that according to any rules of military or military law, or right of justice, he ever has been tried by a competent judge, and, or if there had been, the evidence of a military officer, or the rules of military tribunals to be governed."

Chief-Judge went so far as to say that had Mr. Gordon been punished by any slight punishment than death, and had he come to England and brought an action for damages against Gov. Eyre, a jury of Englishmen might very well have awarded him "exemplary damages for the injury done to him. This part of the judgment in so far as absolute, that unless Mr. Eyre is himself condemned, instead of his subordinates, an English jury will not have had the question of Mr. Eyre's murder fairly put before them.

The Chief-Judge not only holds that this act was unjustifiable, but that it violated the public subsequent procedure. But even if had not been so, the Chief-Judge rules that only offence with which he was ever charged against him was rebellion before martial law had been proclaimed and not the commission of any offence under the proclamation, was not sub-jurisdiction of the special Military Court, but legally make an *ex post facto* law applicable to those committed before it was in existence; further, if that had been possible, the court which tried him was not legally constituted the Chief-Judge, according to the Article of War, was not a court-martial at all. There were no Advocate.

It contained offense of service, contrary to the rules. It was an un-martial law. Military law is not merely an association of immoral arbitrary violence, the purpose of the trial. Finally, the conduct itself upon which Mr. Gordon found himself absolutely inconclusive and worthless.

There was a great question whether Col. Nelson and Brand were not liable to the charge of having determined to get rid of him simply because he was a dangerous man, *per se* and *per se*, on insufficient evidence. And this is the only question on which Col. Nelson and Lieut. Brand are clearly covered by the greater responsibility of Mr. Eyre.

On the same subject the *Champion* a new weekly, put a trifling gain to have called forth so much interest and had a reasement of the great principle of English liberty as that contained in Lord Chief-Judge Cockburn's charge.

It shows away all those theories of the law of the Southern states to proclaim martial law at pleasure which have of late been so completely breached, while it went step by step through the whole history of Mr. Gordon's arrest, trial, and proved each one of them to be most and more illegal than the other.

The Governor of Jamaica will certainly be without rebels and sees in the restoration of order.

*Examiner* and the *London Review* take a

view of this matter.

Mr. Edward Hume, Secretary of the Eyre Defense Fund, has published a speech of Edward John Eyre late Governor of Jamaica endeavoring to represent him as not only a judicious magistrate and a noble

benefactor in the whole of those transactions. He attempts also, in Governor Eyre's behalf to blacken the character of Mr. Gordon.

Mr. Hume's opinion of the colored population of Jamaica appears in the following extract from his book—

"What the negro was in 1763, so he is now, cunning, more sensual, more profigate, more prone to mischief, and more dangerous. The mulatto is not less, perhaps more, to be feared even than the negro. It is the mulatto, after leaving the train carefully & loyally fires it, and takes care to have a place of safety for him. The negro alone, with less skill, eats a drink, and is quiet and happy on it, but, no sooner him, comes it him taste blood, and you may as well swim the rise and fall of the ocean or argue with a Southerner tiger upon the impropriety of seizing a dog—so as to try and bring it in reason without physical force." — p. 11. 114.

The following is a portion respecting the Chief Justice of England, from the English Standard of B. & D. A. D. will be found interesting.

"Chief-Judge Cockburn, whose 'charge' in the case of the two men who were tried before him, in the criminal and military cases, was made by Mr. Gordon, has made an extraordinary record in the history of the English law. His eloquence and skill in the defense of his client was distinguished while he was an attorney and military lawyer."

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NEW YORK, SATURDAY, MAY 4, 1867.

WHOLE NO. 1404.

ONE TRUST IN GOD.





## Miscellaneous Department.

THE PALESTINE.

By JOHN G. WHITIER.

LEAGUES away, as fly the gull and duck,  
Point Judith wathes with eye of hawk  
Leagues south, the beacon flames. Montauk.

Lonely and wind-swept, wood-forbaken,  
With never a tree for Spring to waken,  
Circled by waters that never freeze,  
Beaten by wind and sweep by breeze,  
Left the island of Maumus.

Set at the mouth of the sound to hold  
The coast-light up on its topless cliff,  
Yellow with moss and sea log mud.

Dreary the land when gulf and sheet  
At its doors and windows howl and roar,  
Winter wrenches at the trees of peat?

But in summer time, when pool and pond  
Held in the laps of vallys round,  
As blue as the glampies sea beyond.

When the hills are sweeted with the briar,  
And, hid in the soft, well-tinted, uncouth  
Flowers the mainland rarely knows,

Then is that lonely island fair!  
And the pale health-seeker finds there  
The wine of life in its pleasant sere.

No greater virtue can invite,  
On smoother beaches no sea birds light,  
No blue waves abhor to foam more white!

There, circling over their narrow range,  
Quaint tradition and legend at range  
Live on unchallenged and known no change.

Old wives spinning their webs of woe,  
Rocking wido to and fro  
In out of the peat's shallows.

And old men mending their nets of twine,  
Talk together of dream and sign,  
Talk of the lost ship Palestine,—

The ship that a hundred years before,  
Frightened sleep with its godly store,  
In the gales of the equinox went ashore.

The eager lads one by one  
Counted the shots of her signal gun,  
And heard the crash when she drove right on!

Into the teeth of death she sped;  
(May God forgive the hands that fed  
The false lights over the rocky Head!)

O men and brothers! what sighs were there!  
White, upturned faces, hands stretched in prayer,  
Where waves had pity, could ye not spare?

Down swooped the rockers, like birds of prey  
Tearing the heart of the ship.

And the dead had never a word to say.

And then, with ghastly shimmer and shine,  
Over the rocks and the seething brine,  
They burned the wreck of the Palestine.

In their cruel hearts, as they homeward sped,  
"The sea and the rocks are dumb," they said;  
"There'll be no reckoning with the dead."

But the year went round, and when once more  
Along their foam-white curves of shore  
They head the line stony rive and roar,

Behold! again with shimmer and shine,  
Over the rocks and the seething brine,

The flaming wreck of the Palestine!

So, haply in bitter words than these,  
Mending their nets on their patient knees  
They tell the legend of Maumus.

Nor looks nor tugs a doubt betwixt;  
"It is known to us all," they quietly say.  
"We too have seen it in our day."

Is there, then, no death for a word once spoken?  
Was never a deed but left its token

Written on tables never broken?

Do the elements subtle redactions give?

Do pictures of all the ages live?

On nature's infinite negative?

Whence, half in sport, in mimic half,  
She shows at times, with shudder or laugh,

Phantom and shadow in photograph?

For still, on many a moonless night,  
From Kingston Head and from Montauk light

The spectre kindles and burns in sight.

Now low and dim, now clear and higher,  
Leaps up the terrible Ghost of Fire.

Then, slowly sinking, the flames expire.

And the wise sound skips, though skies be fine,  
Reef their sails when they see the sign

Of the bleaching Ghost of the Palestine!

NEW ENGLAND HISTORIC GENEALOGICAL SOCIETY.

At the meeting of this Society on Wednesday, April 3, Rev. Dorus Clark in the chair, the Librarian reported the gift since the last monthly meeting of 47 bound volumes, 26 pamphlets, and various documents.

Hon. Charles Hudson, of Lexington, read papers on the history of slavery in Massachusetts. He said that slavery grew out of what was denominated a system of apprenticeship, by which orphans were indentured. The demand for labor was great, and efforts were made by the agents of the colony in England to supply the demand, and hence they induced poor people to embark for America, and when they arrived here, sold them into slavery in this country, for a period sufficiently long to pay for their passage. When they arrived here, they were offered for sale, or rather their services were offered to those who would pay the shippers their bill for bringing the emigrants to the country.

The shippers took advantage of the fact that the slaves were sold for their passage, and hence it was said that the period so which the slaves were sold was about ten years. In the mind of the state agents, it was thought that when they arrived in this country, for a period sufficiently long to pay for their passage. When they arrived here, they were offered for sale, or rather their services were offered to those who would pay the shippers their bill for bringing the emigrants to the country, and hence slavery was established before the New England colonies were planted.

Slavery, as a system, never had any legal existence in Massachusetts. A few slaves were admitted into the colony from time to time, but the law of the colony did not recognize them. In 1641 the General Court passed an order excluding slavery; and in 1645, James Smith, of Boston, brought two slaves and sold them—whereupon, the fact being brought to the knowledge of the Court, it was ordered that the slaves be sent back to their master, and that Smith and his wife should be "held in bonds" and made to answer for their doings. In 1646, the General Court passed a law against the slave trade, denouncing it as "an abomination."

But notwithstanding this action on the part of the Court and the general sentiment of the people, slaves in small numbers were from time to time brought into the colony, and even offered for sale in the market. When the slaves were first brought into Court, the slave was set free either by the Court itself or by the jury. But this aggressive system found countenance with those who controlled the market in this unlawful traffic, and the new rum manufacturers in the colony were sent to Africa and in some cases negroes were received in return.

But slavery, though it was tolerated to some extent in England, existed not in a malignant form. The slaves, as far as they were found in England, were generally employed as domestic servants, and the master, in most cases, was a

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